

AN ACT

RELATING TO DENTISTRY; CHANGING THE LICENSING OF DENTISTS AND DENTAL HYGIENISTS BY CREDENTIAL; EXPANDING THE SCOPE OF PRACTICE OF DENTAL HYGIENISTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-5A-4 NMSA 1978 (being Laws 1994, Chapter 55, Section 4) is amended to read:

"61-5A-4. SCOPE OF PRACTICE.--

A. As used in the Dental Health Care Act, "practice of dentistry" means:

(1) the diagnosis, treatment, correction, change, relief, prevention, prescription of remedy, surgical operation and adjunctive treatment for any disease, pain, deformity, deficiency, injury, defect, lesion or physical condition involving both the functional and aesthetic aspects of the teeth, gingivae, jaws and adjacent hard and soft tissue of the oral and maxillofacial regions, including the prescription or administration of any drug, medicine, biologic, apparatus, brace, anesthetic or other therapeutic or diagnostic substance or technique by an individual or his agent or employee gratuitously or for any fee, reward, emolument or any other form of compensation whether direct or indirect;

(2) representation of an ability or

willingness to do any act mentioned in Paragraph (1) of this subsection; or

(3) with specific reference to the teeth, gingivae, jaws or adjacent hard or soft tissues of the oral and maxillofacial region in living persons, to propose, agree or attempt to do or make an examination or give an estimate of cost with intent to, or undertaking to:

(a) perform a physical evaluation of a patient in an office or in a hospital, clinic or other medical or dental facility prior to, incident to and appropriate to the performance of any dental services or oral or maxillofacial surgery;

(b) perform surgery, an extraction or any other operation or to administer an anesthetic in connection therewith;

(c) diagnose or treat any condition, disease, pain, deformity, deficiency, injury, lesion or other physical condition;

(d) correct a malposition;

(e) treat a fracture;

(f) remove calcareous deposits;

(g) replace missing anatomy with an artificial substitute;

(h) construct, make, furnish, supply, reproduce, alter or repair an artificial substitute or

restorative or corrective appliance or place an artificial substitute or restorative or corrective appliance in the mouth or attempt to adjust it;

(i) give interpretations or readings of dental roentgenograms; or

(j) do any other remedial, corrective or restorative work.

B. As used in the Dental Health Care Act, "practice as a dental hygienist" means the science of the prevention and treatment of oral disease through the provision of educational, assessment, preventive, clinical and other therapeutic services under the general supervision of a dentist. "Dental hygiene" includes:

(1) prophylaxis, which is the treatment of human teeth by removing from their surface calcareous deposits and stain, removing accumulated accretions and polishing the surfaces of the teeth;

(2) removing diseased crevicular tissue;

(3) the application of pit and fissure sealants, fluorides and other topical therapeutic and preventive agents;

(4) exposing and referring to oral radiographs;

(5) screening to identify indications of oral abnormalities;

(6) preliminary assessment of periodontal conditions; and

(7) such other closely related services as permitted by the rules and regulations of the committee and the board.

C. In addition to performing dental hygiene as defined in Subsection B of this section, dental hygienists who have met such criteria as the committee shall establish and the board ratify may administer local anesthesia under indirect supervision of a dentist.

D. A dental hygienist may be certified for collaborative dental hygiene practice in accordance with the educational and experience criteria established collaboratively by the committee and board. The board may charge a fee not to exceed one hundred fifty dollars (\$150) for each application for certification for collaborative dental hygiene practice.

E. For the purpose of this section, "collaborative practice of dental hygiene" means the science of the prevention and treatment of oral disease through the provision of educational, assessment, preventive, clinical and other therapeutic services as specified in Subsection B of this section in a cooperative working relationship with a consulting dentist, but without general supervision, as set forth by the rules jointly established by the board and the

committee."

Section 2. Section 61-5A-12 NMSA 1978 (being Laws 1994, Chapter 55, Section 12) is amended to read:

"61-5A-12. DENTISTS--REQUIREMENTS FOR LICENSURE--
SPECIALTY LICENSE.--

A. All applicants for licensure as a dentist shall have graduated and received a diploma from an accredited dental college or school of dentistry of a university that is accredited by the American dental association commission on dental accreditation and have passed the written portion of the dental examination administered by the joint commission on national dental examinations of the American dental association or, if the test is not available, another written examination determined by the board.

B. Applicants for general dentistry licensure by examination shall be required, in addition to the requirements set forth in Subsection A of this section, to pass a test covering the laws and regulations for the practice of dentistry in New Mexico. Written examinations shall be supplemented by the board or its agents administering to each applicant a practical or clinical examination that reasonably tests the applicant's qualifications to practice general dentistry. Upon an applicant passing the written and clinical examinations and

payment in advance of the necessary fees, the board shall issue a license to practice dentistry.

C. The board shall issue a general dentistry license by credentials without a practical or clinical examination to an applicant who is duly licensed by a clinical examination as a dentist under the laws of another state or territory of the United States and whose license is active and in good standing in that jurisdiction and in good standing in any other jurisdiction where the applicant has held a license; provided there are no proceedings pending against the applicant's license and that a standard national practitioner data bank or other nationally recognized data resource that records actions against a dentist within the United States does not reveal any activities that could reasonably be construed to constitute evidence of danger to patients. The applicant shall otherwise meet the requirements of the Dental Health Care Act, including payment of appropriate fees and passing an examination covering the laws and regulations of the practice of dentistry in New Mexico.

D. The board may issue a general dentistry license by credentials to an applicant who meets the requirements, including payment of appropriate fees and the passing of an examination covering the laws and rules of the practice of dentistry in New Mexico, of the Dental Health

Care Act and rules promulgated pursuant to that act, and who:

(1) has maintained a uniform service practice in the United States military or public health service for three years immediately preceding the application; or

(2) is duly licensed by examination as a dentist pursuant to the laws of another state or territory of the United States.

E. The board may issue a specialty license by examination to an applicant who has passed a clinical and written examination given by the board or its examining agents that covers the applicant's specialty. The applicant shall have a postgraduate degree or certificate from an accredited dental college, school of dentistry of a university or other residency program that is accredited by the American dental association commission on dental accreditation in one of the specialty areas of dentistry recognized by the American dental association. The applicant shall also meet all other requirements as established by rules of the board, which shall include an examination covering the laws and regulations of the practice of dentistry in New Mexico. A specialty license limits the licensee to practice only in that specialty area.

F. The board may issue a specialty license by credentials to an applicant who is duly licensed by

examination as a dentist under the laws of another state or territory of the United States and has a postgraduate degree or certificate from an accredited dental college, school of dentistry of a university or other residency program that is accredited by the American dental association commission on dental accreditation in one of the specialty areas of dentistry recognized by the American dental association. The applicant shall also meet all other qualifications as deemed necessary by rules of the board, which shall include an examination covering the laws and rules of the practice of dentistry in New Mexico. A specialty license limits the licensee to practice only in that specialty area."

Section 3. Section 61-5A-13 NMSA 1978 (being Laws 1994, Chapter 55, Section 13) is amended to read:

"61-5A-13. DENTAL HYGIENIST LICENSURE.--

A. Applicants for licensure shall have graduated and received a diploma from an accredited dental hygiene educational program that provides a minimum of two academic years of dental hygiene curriculum and is a post-secondary educational institution accredited by the American dental association commission on dental accreditation and shall have passed the written portion of the dental hygiene examination administered by the joint commission on national dental examinations of the American dental association or, if this test is not available, another written examination determined

by the committee.

B. Applicants for licensure by examination shall be required, in addition to the requirements set forth in Subsection A of this section, to pass a written examination covering the laws and rules for practice in New Mexico. Each written examination shall be supplemented by a practical or clinical examination administered by the committee or its agents that reasonably tests the applicant's qualifications to practice as a dental hygienist. Upon an applicant passing the written and clinical examinations, the board, upon recommendation of the committee, shall issue a license to practice as a dental hygienist.

C. The board, upon the committee's recommendation, shall issue a license to practice as a dental hygienist by credentials without examination, including practical or clinical examination, to an applicant who is a duly licensed dental hygienist by examination under the laws of another state or territory of the United States and whose licence is in good standing in that jurisdiction and if the applicant otherwise meets all other requirements of the Dental Health Care Act, including payment of appropriate fees and passing an examination covering the laws and rules pertaining to practice as a dental hygienist in New Mexico." ==

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